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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, MONIQUE
TRUJILLO, WILLIAM BYATT, JEREMY
DAVIS, and CHRISTOPHER CASTILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**JOINT STIPULATION AND [PROPOSED]
ORDER RE: ORDER TO SHOW CAUSE
(DKT. 784)**

Referral: Hon. Susan van Keulen, USMJ

1 Plaintiffs and Defendant Google LLC (collectively, the “Parties”), by and through their
2 respective counsel of record, hereby stipulate and agree as follows:

3 WHEREAS, on October 27, 2022, this Court issued an Order for Google to Show Cause Re:
4 Additional Discovery Sanctions (Dkt. 784, the “OSC”);

5 WHEREAS, on November 30, 2022, Google filed its response to the OSC (Dkt. 798
6 (“Google’s Response”);

7 WHEREAS, on December 20, 2022, Google disclosed to Plaintiffs for the first time the
8 existence of the “Incognito_window” field, which Google’s counsel has represented relates not only
9 to Chrome Incognito mode but also other private browsing modes;

10 WHEREAS, neither Plaintiffs’ motion for additional discovery sanctions (Dkt. 656), the
11 Court’s OSC (Dkt. 784), nor Google’s Response to the OSC (Dkt. 798), addressed the
12 “Incognito_window” field;

13 WHEREAS, Plaintiffs contend that more severe sanctions are warranted than those that
14 Plaintiffs initially proposed in August 2022 (Dkt. 656) and covered by the OSC, including based on
15 Google’s Response and the recently disclosed “Incognito_window” field, *see* Dkt. 815-1 (summary
16 of Plaintiffs’ contentions for why more severe sanctions are warranted, including terminating
17 sanctions);

18 WHEREAS, Google entirely disagrees with Plaintiffs’ contentions, including for the reasons
19 described in its Administrative Motion Requesting Leave to Deprecate, *see* Dkt. 809-4;

20 WHEREAS, seeking to limit the burden on the Court, the Parties propose and have agreed
21 that Plaintiffs shall include any additional sanctions requests they intend to make in connection with
22 any new developments to date, including their contentions related to the “Incognito_window” field,
23 in their upcoming January 20, 2023 submission, and that Google may have an additional five pages
24 to address these new requests in its Reply brief; and

25 WHEREAS, the Parties agree that the Court may then resolve Plaintiffs’ request for any
26 additional sanctions relating to the “Incognito_window” field based on the briefing without needing
27 to update the OSC or separately issue another order to show cause;

28

1 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the
2 Court's approval, that:

3 1. Plaintiffs may in their January 20, 2023 submission seek additional sanctions
4 beyond the sanctions that Plaintiffs initially proposed in August (Dkt. 656).

5 2. Google may have five additional pages to address Plaintiffs' new requests in its
6 Reply brief, currently due on February 10, 2023.

7 3. The Court then may, in its discretion, issue any sanctions authorized by law based
8 on the briefing and hearing without needing to update the OSC or issue another order to show cause.

9 4. The briefing schedule and hearing date for the OSC remain unchanged.

10 DATED: January 11, 2023

11 QUINN EMANUEL URQUHART &
12 SULLIVAN, LLP

BOIES SCHILLER FLEXNER LLP

13 /s/ Andrew H. Schapiro

/s/ Mark Mao

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Attorneys for Plaintiffs

Attorneys for Defendant Google LLC

ATTESTATION OF CONCURRENCE

I am the ECF user whose ID and password are being used to file this Joint Stipulation.
Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has
concurred in the filing of this document

Dated: January 11, 2023

By /s/ Mark Mao

Mark Mao

Counsel for Plaintiffs

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HON. SUSAN VAN KEULEN
United States Magistrate Judge